

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROL NOE,

Plaintiff,

-against-

RAY REALTY, et al.,

Defendants.

19-CV-1455 (JHR) (RFT)

ORDER OF SERVICE

Robyn F. Tarnofsky, United States Magistrate Judge:

By order dated February 21, 2019, the Court granted Plaintiff's request to proceed in forma pauperis ("IFP") (see ECF 10), and directed service on the Defendants named in the then-operative version of the complaint pursuant to Fed. R. Civ. P. 4(c)(3). On January 2, 2020, Plaintiff filed a proposed Amended Complaint (ECF 95) in which she identified the following additional Defendants: Robert Gregor; RRM Realty; TRUE Coffee; TRCU Coffee; 384 Court; Thomas Cummings; Morten Teljum; Labe Twerski; Sam Becker; Adi Nahmani; 1651 Coney Island Avenue 4 11230; 41-25 44th Street "Owners" Corp; 41-25 44TH Street Apt A7 Queens; and Daejan NY Limited. (See ECF 95.) On December 15, 2023, the Court deemed ECF 95 to be the operative Amended Complaint ("AC"). (See ECF 162.) Of the Defendants first named in the AC, Labe Twerski, Sam Becker, Adi Nahmani, 1651 Coney Island Ave 4 11230, 41-25 44TH Street "Owners" Corp, 41-25 44TH Street Apt A7 Queens, Daejan NY Limited, Robert Gregor, and RRM Realty have not appeared.

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service of the AC. See *Bell v. City of New York*, No. 21-CV-2792 (VSB), 2022 WL 463315, at *1 (S.D.N.Y. Feb. 15, 2022); *Walker v. Schult*, 717

F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

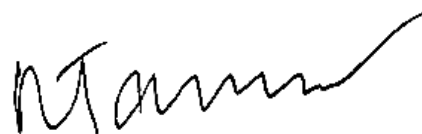
Accordingly, the Clerk of Court is respectfully directed to complete the U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Labe Twerski, Sam Becker, Adi Nahmani, 1651 Coney Island Ave 4 11230, 41-25 44TH Street “Owners” Corp, 41-25 44TH Street Apt A7 Queens, Daejan NY Limited, Robert Gregor, and RRM Realty. The Clerk of Court is further respectfully instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Labe Twerski, Sam Becker, Adi Nahmani, 1651 Coney Island Ave 4 11230, 41-25 44TH Street “Owners” Corp, 41-25 44TH Street Apt A7 Queens, Daejan NY Limited, Robert Gregor, and RRM Realty.

If the AC is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 3, 2024
New York, New York



ROBYN F. TARNOFSKY
United States Magistrate Judge

DEFENDANTS AND SERVICE ADDRESSES

1. LABE TWERSKI
41-25 44TH STREET "OWNERS" CORP
SUNNYSIDE, QUEENS 11104
2. SAM BECKER
41-25 44TH STREET "OWNERS" CORP
SUNNYSIDE, QUEENS 11104
3. ADI NAHMANI
41-25 44TH STREET "OWNERS" CORP
SUNNYSIDE, QUEENS 11104
4. 1651 CONEY ISLAND AVENUE 4 11230
5. 41-25 44TH STREET "OWNERS" CORP
6. 41-25 44TH STREET APT A7 QUEENS
7. DAEJAN NY LIMITED
8. ROBERT GREGOR
C/O GREGOR
3 LAKE AVENUE
LAKE GEORGE, NY 12845
9. RRM REALTY
C/O GREGOR
3 LAKE AVENUE
LAKE GEORGE, NY 12845